

**ZB# 97-23**

**Robert Rifflard**

**19-4-94**

Prelim.

#97-23 - Riffard, Robert  
2 Area } Deck  
Shed.

19-4-94

June 23 1997.  
Notice to  
~~Attest~~ ~~Notary~~ ~~Seal~~  
~~from Riffard~~

100 Photos Submitted  
~~Public~~ Dead - Title Rep.

Public Hearing:  
Jan. 12, 1998.

Variance  
Approved

Refund \$194.00

Dec 4, 1967

RECEIPT 340832

Amount \$50.00

Pay to the order of

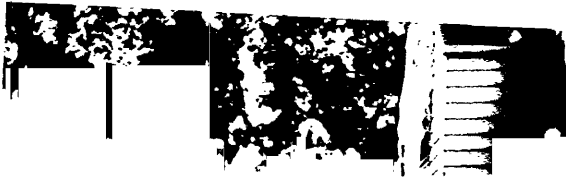
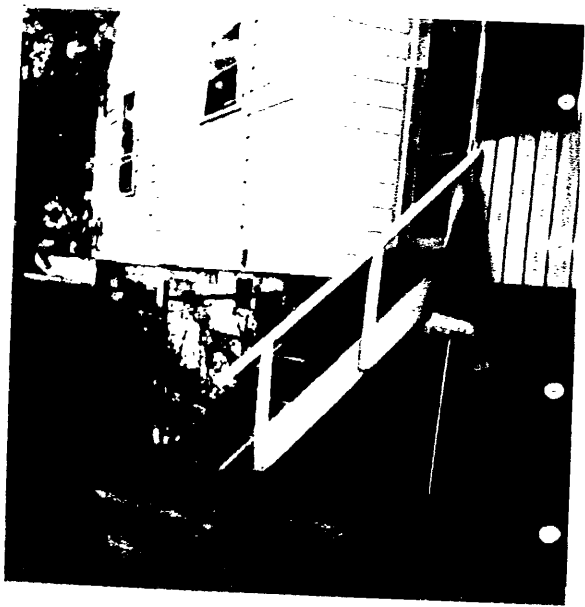
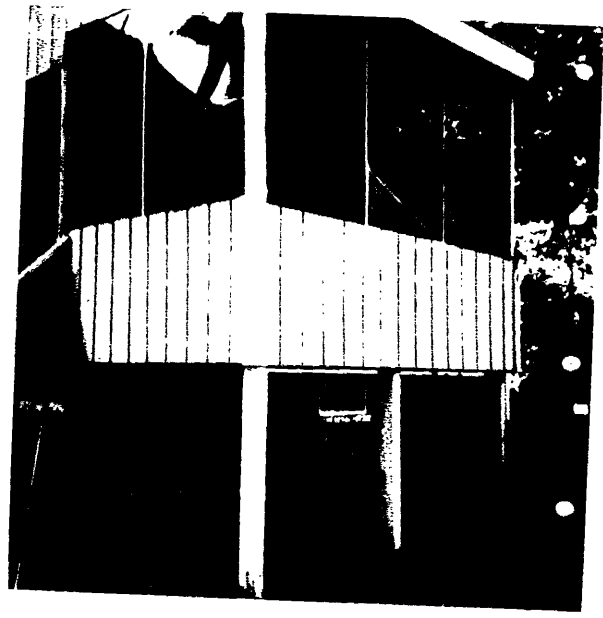
\$50.00

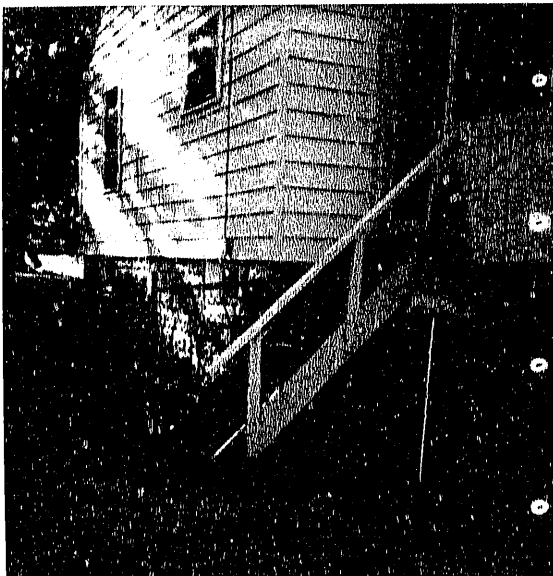
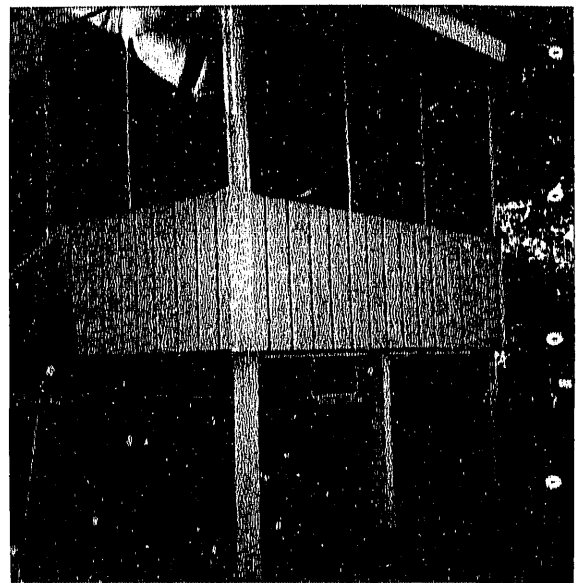
John H. Homan

RECEIVED  
HOMER  
#1905  
\$50.00

JOHN H. HOMAN

Donated to H. Homan





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Liffard, Robt.

FILE# 97-23

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid ck# 1904  
11/24/97.*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*paid ck# 1903  
250.00  
Bal. 50.00  
paid ck# 1205  
12/3/97*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *6/23/97* ..... \$ 13.50  
2ND PRELIMINARY- PER PAGE *1/12/98* ..... \$ 22.50  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_

TOTAL ..... \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ..... *6/23/97* ..... \$ 35.00  
2ND PRELIM. .... *1/12/98* ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 106.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . \$ 194.00

*Refund.*

Date \_\_\_\_\_

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO

P.O. Box 1402  
Newburgh, N.Y. 12550

**CLAIMED**

**ALLOWED**

[illegible]

MARTIN A. COHEN, ESQ.  
TRUSTEE ACCOUNT  
P.O. BOX 1402  
NEWBURGH, NY 12550

1903

50-693/219

PAY TO THE  
ORDER OF

*Town of New Windsor*

\$ *250*<sup>00</sup>/<sub>100</sub>

*Two Hundred + FIFTY*

*+ 00*<sup>00</sup>/<sub>100</sub>

DOLLARS



Key Bank of Eastern New York N.A.  
78 Broadway  
Newburgh, NY 12550  
Newburgh - Main Office

333

MEMO

*Michigan*

*Martin A. Cohen*

⑆021906934⑆ 33⑈114459⑈0⑈ 1903

SAFETY PAPER

MARTIN A. COHEN, ESQ.  
TRUSTEE ACCOUNT  
P.O. BOX 1402  
NEWBURGH, NY 12550

1904

50-693/219

PAY TO THE  
ORDER OF

*Town of New Windsor*

\$ *50*<sup>00</sup>/<sub>100</sub>

*Fifty*

*+ 00*<sup>00</sup>/<sub>100</sub>

DOLLARS



Key Bank of Eastern New York N.A.  
78 Broadway  
Newburgh, NY 12550  
Newburgh - Main Office

333

MEMO

*Michigan*

*Martin A. Cohen*

⑆021906934⑆ 33⑈114459⑈0⑈ 1904

SAFETY PAPER

Date 11/19/98, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO ..... Frances Roth ..... DR.

168 N. Drury Lane

.....Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
1/12/85	Zoning Board Mtg	75 00	
	Misc - 2		
	Walke - 6		
	Friedman - 7		
	Metzger - 4		
	Rossland - 5      22.50		
	Wahlbon - 3		
	Kirk - 4	139 50	
	<u>31</u>	<u>214 50</u>	

PUBLIC HEARING

RIFFLARD, ROBERT

MR. NUGENT: Request for five foot rear yard variance for exiting deck and 8 ft. side yard variance for preexisting shed located at 119 Cedar Avenue in an R-4 zone.

Mr. and Mrs. Robert Riffard appeared before the board for this proposal.

MS. BARNHART: For the record, Mr. Riffard and I sent out 45 addressed envelopes on December 30, 1997, I have an affidavit of service by mail which states that fact.

MR. REIS: Any responses?

MS. BARNHART: No.

MR. NUGENT: The floor is yours, if you'd like to speak.

MR. RIFFLARD: I just bought the house and this was already there when I moved in.

MS. OWEN: How many years ago was that?

MR. RIFFLARD: June.

MS. OWEN: This year?

MR. NUGENT: Right by the cemetery?

MR. RIFFLARD: Mr. Marshall lives right next door to me.

MR. NUGENT: We already did this variance.

MR. BABCOCK: We did a preliminary, Jim, back in--

MR. NUGENT: It was a different owner?

MR. BABCOCK: It was set up for a public hearing on 6/23/97 so it's been quite sometime.

MR. NUGENT: Six months.

MS. BARNHART: Preliminary meeting.

MR. BABCOCK: It was set up at the preliminary meeting for a date for a public hearing.

MR. NUGENT: Wasn't a different owner?

MS. BARNHART: Actually there was a fella named Tom Masucci (phonetic), he was doing all the leg work for Mr. Riffard, I think Mr. Masucci probably attended the meeting on his behalf. Right?

MR. RIFFLARD: Yes.

MR. NUGENT: You can sit down, relax.

MS. OWEN: I actually went and saw it in person, it says deck here, but it looks like a porch, it's a screened-in porch.

MR. BABCOCK: We'll have to straighten the language out. When the gentleman applied for this application which means nothing at this point in time, he said it was just a deck, it's the same requirements for these gentleman tonight, ladies and gentlemen, in the way that the setbacks are the same but once we straighten out the building permit and Certificate of Compliance, we have to make sure that it says a screened-in porch or porch or whatever it is so that sometime in the future, we don't have the same problem with where they said there was no screened-in porch, it was just a deck which we'll do.

MR. KRIEGER: Does this, is this screened-in porch similar to other screen-in porches in the neighborhood, not identical, just similar, are there similar porches around without being specific?

MR. RIFFLARD: No, most of them have it built right into the house like this one protrudes out from the house.

MR. KRIEGER: Other than its protruding factor, is it similar to other things?

MRS. RIFFLARD: Actually, the screen is all off.

MR. KRIEGER: Generally speaking, it's similar to other porches.

MRS. RIFFLARD: It's more of a deck, it's up on these--

MR. KRIEGER: This deck, porch or what have you, is it somewhat similar to similar structures, other houses in the neighborhood?

MR. RIFFLARD: No, it's almost like them, it must be because--

MR. KRIEGER: Same with the shed, it's similar too?

MRS. RIFFLARD: Yeah, I imagine I haven't looked at too many others around.

MR. KRIEGER: You have been there what since June?

MR. RIFFLARD: Yes.

MR. KRIEGER: So certainly you have during the time you're there--

MR. RIFFLARD: The--

MR. KRIEGER: Without being specific, I just want to know if it's similar to sheds on other houses in the neighborhood?

MR. RIFFLARD: Not all other houses, some of the houses, yes.

MR. KRIEGER: Does it cause any ponding of water or accumulation for either the shed or deck?

MR. RIFFLARD: No.

MR. KRIEGER: Discuss does it change the course of water?

MR. RIFFLARD: Not that I know of.

MR. KRIEGER: You'd know, you'd have wet feet.

MR. RIFFLARD: No.

MR. KRIEGER: Is either structure on top of or does it interfere with a septic system or well?

MR. RIFFLARD: No.

MR. KRIEGER: Then you have no way of knowing how long they have been there, they have been there, they were there sometime before you purchased it which was June?

MR. RIFFLARD: Before the previous owner before me that shed was there before he moved in.

MR. KRIEGER: Which would be approximately what?

MR. RIFFLARD: They said '60's sometime.

MR. KRIEGER: So it's been there since the '60's?

MR. RIFFLARD: That is what the gentleman next door, Mr. Marshall, other neighbor said.

MR. KRIEGER: As far as you know?

MR. RIFFLARD: Right.

MR. KRIEGER: Now I have enough, Mr. Chairman.

MR. REIS: You haven't had any complaints from your neighbors?

MR. RIFFLARD: No. The reason the screens are falling out, they told me don't touch any of the two buildings until you give me a permit to do anything, they told me not to touch anything.

MR. NUGENT: I'll accept a motion from the board.

MR. REIS: I make a motion that we grant Mr. Robert

January 12, 1998

23

Rifflard his request for the variance for 119 Cedar Avenue.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MARTIN A. COHEN, ESQ.

TRUSTEE ACCOUNT

P.O. BOX 1402  
NEWBURGH, NY 12550

1905

PAY TO THE  
ORDER OF

*Felix*

*Journal of New Windsor*

\$

50

/100

DOLLARS



Key Bank of Eastern New York N.A.  
78 Broadway  
Newburgh, NY 12550  
Newburgh - Main Office

333

MEMO

*Ent of mltz 2BA #97-23*

*Martin A. Cohen*

⑆021906934⑆33⑆14459⑆0⑆1905

In the Matter of the Application of

**ROBERT RIFFLARD**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES**

#97-23.

**WHEREAS, ROBERT RIFFLARD, 119 Cedar Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. rear yard variance for an existing deck and an 8 ft. side yard variance for a pre-existing shed at the above residence in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 12th day of January, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one family home located in a neighborhood of one family homes.

(b) The deck and shed have been in place for some time, the present owners of the property (applicants) purchased the property in June 1997 and the deck and shed were in place at that time.

© It would be economically infeasible to move the deck and shed to comply with the Zoning Local Law.

(d) The requested variances are those which would be sufficient if granted to allow the existing deck and shed to remain in place.

(e) The deck and shed interfere with no course of drainage and do not cause ponding or accumulation of water.

(f) There are other similar decks and sheds adjacent to other houses in the neighborhood.

(g) A review of the photographs and the property shows that the deck does not interfere with any sight lines or create any other hazard.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a 5 ft. rear yard variance for an deck and an 8 ft. side yard variance for a pre-existing shed located at the above-referenced property in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 9, 1998.

/s/ James Nugent.  
Chairman

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

*Prelim.*  
*June 23, 1997*

*Deck*  
*2 variances*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: June 11, 1997

APPLICANT: Robert Riffard  
119 Cedar Avenue  
New Windsor, New York 12553

~~Cat~~  
~~Bounce~~ - 569-9685

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR: For existing deck. (*Screened Porch*).

LOCATED AT: 119 Cedar Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 19-4-94

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum 40Ft. rear yard set back..

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4    USE: G 10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:    40Ft.

35Ft.

5Ft.

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN  
APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

~~cc ZBA~~, APPLICANT, FILE ,W/ ATTACHED MAP



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: June 11, 1997

APPLICANT: Robert Riffard  
119 Cedar Avenue  
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR:

LOCATED AT: 119 Cedar Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 19-4-94

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING SHED DOES NOT MEET MINIMUM SIDE YARD SET-BACK.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4    USE: 48-14    A.1B

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:    10FT.

2FT.

8FT.

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN  
APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

cc: ~~ZBA~~ APPLICANT, FILE ,W/ ATTACHED MAP





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553-6196  
Telephone: (914) 563-4610  
Fax: (914) 563-4693

November 26, 1997

45

Mr. Thomas Massucci  
334 Robinson Ave.  
Newburgh, NY 12550

Re: Tax Map Parcel #19-4-94  
Owners: Robert R. & Alice M. Riffard  
Location: 119 Cedar Avenue, New Windsor, NY 12553

Dear Mr. Massucci:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook*  
LESLIE COOK  
Sole Assessor

/po  
Attachments

cc: [REDACTED]

St. Francis Church X  
145 Benkard Ave.  
Newburgh, NY 12550

Janufka, Fred F. & Marian A., c/o Conklin  
6 Maywood Dr. X  
Newburgh, NY 12550

Travis, Ezra T. & Rose H. X  
160 Union Ave.  
New Windsor, NY 12553

Callahan, Lewis L. &  
Andrews, Jean Marie X  
164 Union Ave.  
New Windsor, NY 12553

Samuel, Daniel & Sosamma X  
168 Union Ave.  
New Windsor, NY 12553

Faitak, Frank Joseph & Mary J.  
133 Cedar Ave. X  
New Windsor, NY 12553

Seymour, Lewis R. & Katherine P.  
131 Cedar Ave. X  
New Windsor, NY 12553

Silvagni, James & Mary X  
129 Cedar Ave.  
New Windsor, NY 12553

Ellingsen, Henry & Rosemary  
125 Cedar Ave. X  
New Windsor, NY 12553

Fahy, Kevin M. & Dawn M. X  
123 Cedar Ave.  
New Windsor, NY 12553

Marshall, Glen T. y  
121 Cedar Ave.  
New Windsor, NY 12553

Casey, Justine & John X  
117 Cedar Ave.  
New Windsor, NY 12553

Spreer, Daniel C. & Nancy M. ✓  
115 Cedar Ave.  
New Windsor, NY 12553

Starkey, Donald F. & ✓  
Linda J. Lawrance  
113 Cedar Ave.  
New Windsor, NY 12553

Geroux, Melody A. & Greg M. ✓  
111 Cedar Ave.  
New Windsor, NY 12553

Forte, Gioavanne ✓  
31 Willow Parkway  
New Windsor, NY 12553

Cedar Avenue Trailer Park, Inc.  
c/o Frank J. Miele ✓  
Hi-View Dr., RD 6  
Carmel, NY 10512

Garstke, Joseph W. & Elsie A. ✓  
106 Cedar Ave.  
New Windsor, NY 12553

Broe, Charles H. ✓  
108 Cedar Ave.  
New Windsor, NY 12553

Lucas, Sarah A. ✓  
6 Locust Ave.  
New Windsor, NY 12553

Rodgers, Robert F. & Richard G. ✓  
8 Locust Ave.  
New Windsor, NY 12553

Petal, Mukesh & Rita M. ✓  
11 Locust Ave.  
New Windsor, NY 12553

Farbent, Floyd M. & Margaret M. ✓  
9 Locust Ave.  
New Windsor, NY 12553

Delpub, John & Margaret C. X  
5 Locust Ave.  
New Windsor, NY 12553

Muller, Bobbi J. & X  
Turner, Gregory  
112 Cedar Ave.  
New Windsor, NY 12553

Edwards, Buddy Joe & Wilma X  
114 Cedar Ave.  
New Windsor, NY 12553

Crudele, Anna  
116 Cedar Ave. X  
New Windsor, NY 12553

Cherry, Ruth S. X  
118 Cedar Ave.  
New Windsor, NY 12553

Thompson, Anna X  
6 Hickory Ave.  
New Windsor, NY 12553

Tenny, William L. Jr. & Tami R. X  
8 Hickory Ave.  
New Windsor, NY 12553

Chivattoni, Frank J. Sr. & Charlotte Y  
10 Hickory Ave.  
New Windsor, NY 12553

DeMarco, Anthony & Ann Marie D. & X  
Dooley, Mary Lou  
12 Hickory Ave.  
New Windsor, NY 12553

Brower, Elizabeth X  
14 Hickory Ave.  
New Windsor, NY 12553

Cocchio, Joseph & Drena X  
11 Hickory Ave.  
New Windsor, NY 12553

McDonnell, Kim E. & Kevin S. X  
9 Hickory Ave.  
New Windsor, NY 12553

Mussari, Mary X  
5 Hickory Ave.  
New Windsor, NY 12553

Quicksell, Donald E. & Chin X  
122 Cedar Ave.  
New Windsor, NY 12553

Voellmann, Richard H. & Jeannette  
124 Cedar Ave.  
New Windsor, NY 12553 X

Cusack, Patrick V. X  
126 Cedar Ave.  
New Windsor, NY 12553

Pisani, Richard F. X  
6 Woodlawn Ave.  
New Windsor, NY 12553

Casnocha, Veronica & Richard X  
8 Woodlawn Ave.  
New Windsor, NY 12553

Cotton, Carol & X  
Leary, Helen Y  
12 Woodlawn Ave.  
New Windsor, NY 12553

Armour, Robert J. & Evelyn X  
7 Woodlawn Ave.  
New Windsor, NY 12553

Morrison, Kevin M. & Valerie X  
5 Woodlawn Ave.  
New Windsor, NY 12553

Manuche, George J. Jr. & X  
Martha Wright  
One Lincoln Plaza, NY, NY 10001

Ms. publish in the ...  
PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 23

Request of Robert Riffland

for a VARIANCE of the Zoning Local Law to permit:

existing shed and deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk  
Regs. - Col. G.

for property situated as follows:

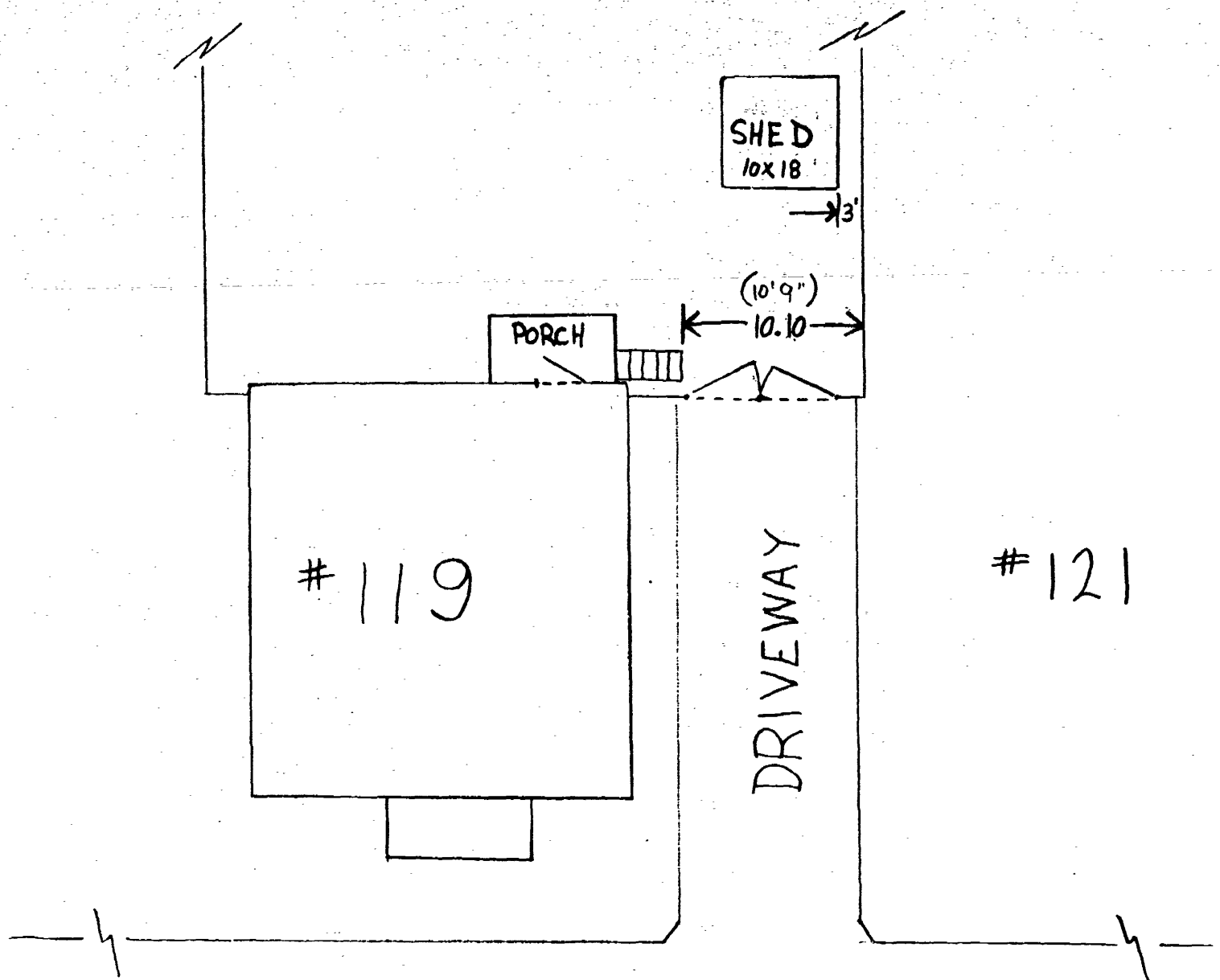
119 Cedar Avenue, New Windsor, N.Y.

known as tax lot Section 19 Block 4 Lot 94.

SAID HEARING will take place on the 12th day of January, 1998, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.



CEDAR AVE.

*L. Marshall*

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-23

Date: 7/30/97

I. ✓ Applicant Information:

- (a) Robert L. McClure 119 Cedar Ave. New Windsor 561-2804  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 119 Cedar Ave New Windsor NY 13553 19-4-94 50' x 150'  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? \_\_\_\_\_
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? \_\_\_\_\_
- (f) Has property been subject of variance previously? \_\_\_\_\_  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk. Regs., Col. F+G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft. (shed)</u>	<u>2 ft.</u>	<u>8 ft.</u>
Reqd. Rear Yd. <u>40 ft (Deck)</u>	<u>35 ft.</u>	<u>5 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

Request of variance will not create an undesirable  
change to neighborhood. No other method can be used except for a Requesting  
variance. We believe this Request of 5' is not substantial. We believe there  
will be no adverse effect or effect on the physical or environmental conditions in the  
neighborhood. This is not self-created. The owner bought the property as is

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs.,  
Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Dec. 3, 1997.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Robert R. Rifford  
(Applicant)  
Alene M. Rifford

Sworn to before me this

3rd day of December, 1997.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1999.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.**

(ZBA DISK#7-080991.AP)

To whom it may concern,

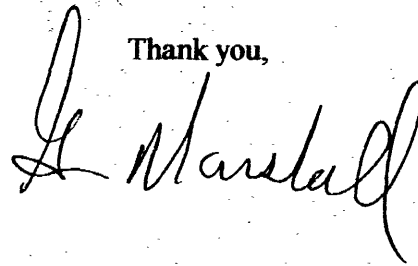
June 23, 1997

We the undersigned, residing at 121 Cedar Ave. Do not find any objections to the existence of the items labeled as a shed and a porch on the sketch signed by us.

These items have been present on these premises for over 25 years to my knowledge and was not nor is now objectional to me in any way.

Should there be any further questions please feel free to contact me at the above address.

Thank you,

A handwritten signature in cursive script, appearing to read "L. Marshall". The signature is written in dark ink and is positioned below the "Thank you," text.

Date ..... 9/21/19....., 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 168 North Drury La DR.  
Newburgh, NY 12550

DATE			CLAIMED	ALLOWED
6/23/97	Zoning Board Mtg		75 00	
	Misc. 2			
	Scagline - 5			
	Hiffhard - 3	13.50.		
	Suraci - 3			
	<u>13 pp</u>		<u>58 50</u>	
			133 50	

June 23, 1997

7

RIFFLARD, ROBERT

Mr. Bernie Barreras appeared before the board for this proposal.

MR. NUGENT: Request for 5 ft. rear yard variance for existing deck and 8 ft. side yard variance for existing shed located at 119 Cedar Avenue in an R-4 zone.

MR. BARRERAS: A few items with some photographs of the property that is next door neighbor who's adjacent to that property on that same side according to the sketch and there's a copy of the tax records, all of this was put up according to the tax records in 1966, all except for the deck which we have no record of when it was constructed one way or the other, although the shed is within three feet of the property line, the deck or porch referred to there is over ten foot mark from what I understand.

MR. NUGENT: How did you get called down on this in the first place?

MR. BARRERAS: The property was purchased by Mr. Riffard, I'm the agent who sold him the property, I thought I'd help him out of something that is 31 years old.

MR. NUGENT: You're going to need a letter of--

MR. KRIEGER: A proxy.

MR. NUGENT: Proxy.

MR. BARRERAS: Okay.

MR. NUGENT: From him stating that you can do this for him.

MR. BARRERAS: Okay.

MR. KRIEGER: If Mr. Riffard is the owner.

MR. BARRERAS: Recent owner.

MR. KRIEGER: He's now the owner?

MR. BARRERAS: Yes, he is, as of a week and a half ago.

MR. KRIEGER: He's not a contract purchaser?

MR. BARRERAS: No, he is not, I'm listed with the building department as the agent, I'm the one that files the permits and everything else on the property.

MR. KRIEGER: Okay.

MR. NUGENT: I'd like to read into the record we the undersigned residing at 121 Cedar Avenue do not find any objections to the existence of the items labeled as shed and porch on a sketch signed by us, these items have been present on these premises for over 25 years to my knowledge and was not nor is now objectionable to me in any way. Should there be any further questions, please feel free to contact me at the above address, Mr. Marshall.

MR. BARRERAS: I had him sign the sketch as well to make sure it's and identical document as you can see I highlighted it says 1966 on there for the bath house which is now being referred to as a shed.

MR. KANE: '66 predates zoning?

MR. NUGENT: Yes.

MR. KRIEGER: No.

MR. NUGENT: Just '67 wasn't it?

MR. BABCOCK: No, it's '66 before January 1, '66, they have some time in '66 they picked this up.

MS. OWEN: Are there any easements going under the shed or the deck?

MR. BARRERAS: No, none, the only movement under the porch or deck is the rear entrance to the basement area as shown in that photograph, it's got 4 X 4 supports and footings concrete footings, everything else, and

it's been resupported as the years have gone by apparently it's been in good repair.

MR. KANE: So we set him up for a public hearing for the variance and then you'd do a reinspection, make sure there's C.O.s and make sure everything complies to the health and safety regulations?

MR. BABCOCK: That is correct.

MR. KANE: I have nothing further, Jim.

MS. OWEN: No, I have no more questions.

MR. NUGENT: Accept a motion.

MS. OWEN: I make a motion to set up a public hearing for Mr. Rifflard.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you come back, if you'd address yourself to the criteria on that sheet, it would be helpful cause those are the criteria that the state says we must decide on.

MR. BARRERAS: Is there anything else?

MR. KRIEGER: No.

MR. BARRERAS: Thank you.

33	48	00	119	4	94.00
DISTRICT			SECTION		LOT
ACCOUNT NUMBER			GRID COORDINATE		
210 R			01 of 01		141
CLASS CODE			ZONING		ROUTING NUMBER
119 CEDAR AVE.					

ESSA FRANK J AND EDITH L  
AR AVENUE MD 23, NEWBURGH N Y  
Metzger MARGARET L.  
119 Cedar Ave, New Windsor, N.Y.

RECORD OF OWNERSHIP

DATE	TYPE	SALE PRICE	SOURCE	VALIDITY
MO.	YR.		1 BUYER 2 SELLER	1 YES 2 NO

LAND COMPUTATIONS

PROPERTY CLASSIFICATION CODE

ASSESSMENT RECORD

0. NONE	IN	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
LOTS	1	200	150	150	90	111	4995		
1 REGULAR LOT									
2 MINUS LOT									
3 APARTMENT SITE									
SQ. FT.									
1 PRIMARY SITE									
2 SECONDARY SITE									
3 UNDEVELOPED									
4 RESIDUAL									
ACREAGE									
1 PRIMARY SITE									
2 SECONDARY SITE									
3 UNDEVELOPED									
4 RESIDUAL									
5 TILLABLE									
6 PASTURE									
7 WOODLAND									
8 WASTELAND									
9 HOMESITE									
0 TOTAL									
GROSS									
1 IRREGULAR LOT									
2 SITE VALUE									
3 RESIDUAL									
4 HOMESITE									
0 MINUS R.O.W.									

AGRICULTURAL-100	COMMERCIAL-400	LAND
110-Livestock & Products	410-Living Accommodations	
111-Poultry & products	411-Apts. other than	
112-Dairy products	412-Condominium apt.	
113-Cattle, hogs, & products	413-Co-operative apt.	
114-Sheep & wool	414-Hotel	
115-Apialry products	415-Motel	
116-Other livestock	416-Mobile home parks	
120-Field Crops	417-Camps & cottages	
130-Truck Crops--	418-Other transient lodging	
Mucklands Only	- Other commercial	
140-Truck Crops		
150-Orchard Crops		
151-Tree fruits	RECREATIONAL-500*	
152-Vineyards		
160-Other fruits	COMMUNITY SVCS-600*	
170-Nursery/Greenhouse		
180-Fur Products	INDUSTRIAL-700	
190-Fish/Game & Wildlife Preserves	710-Manufacturing & Processing	
RESIDENTIAL-200	720-Mining and Quarrying	
210-1 Family Year-Round	730-Weils	
220-2 Family Year-Round	PUBLIC SVCS-800*	
230-3 Family Year-Round		
240-Rural Residence W/Acreage	WILD AND FORESTED-900	
250-Estate	910-Private Other Than 920	
260-Seasonal	920-Private Hunting/Fishing	
270-Mobile Home	930-State Owned	
UNUSED VACANT LAND-300	940-County Owned	
310-Residential		
320-Rural		
330-Commercial		
340-Industrial		
350-Urban Renewal		

BUILDING PERMIT RECORD

DATE	TYPE	AMOUNT	NUMBER
MO.	YR.		

GENERAL PROPERTY FACTORS	RESIDENTIAL PROPERTY FACTORS
NEIGHBORHOOD I.D.	NEIGHBORHOOD FACTORS
TOPOGRAPHY RATING	LOT FACTORS
STREET OR ROAD	LANDSCAPING RATING
PAVED UNPAVED PROPOSED	DRIVEWAY
SIDEWALK	FRONTING TRAFFIC
YES NO	LOT IMPROVEMENTS
UTILITIES	COMPARISON TO NEIGHBORING PROPERTIES
WATER SEWER ELECTRICITY GAS	1. TYPICAL 2. POORER 3. BETTER 4. NONE
0. NONE 1. PUBLIC 2. PRIVATE	

MEMORANDA

5-28-8 INT. Insp.